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ABSTRACT

This paper analyzes educational-finance reform in Vermont, which culminated in the passage of Act 60, a comprehensive education and tax reform measure, and the subsequent political furor the act engendered. It outlines the pre-reform background focusing on early civil-society organizations and the unique political landscape in Vermont. The article describes the political actors in the reform debate, such as the League of Women Voters and The Vermont Natural Resources Council, and the various legislative movements these groups championed. Details of failed reform efforts and the many facets of political maneuvering are provided. After elements of bipartisan support of various reform packages fell apart, deliberative discourse fell to the side and political regrouping began in earnest. Corrections through the courts were then sought by financial reformers, and a family sued the state to obtain financial equity among school districts. The resultant victory and the passage of the reform legislation, Act 60, and subsequent backlash are described. The reform process resulted in watershed transformations of political thought and culture in Vermont. Most importantly, the notion of a statewide responsibility for the education of all children was firmly established, supported by a statewide property tax; and the entrenched idea of an inequitable financial share in education was eradicated. (Contains 32 references and notes.) (RJM)

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Interest Group Influences in Advancing and Inhibiting Educational Finance Reform: The Politics of Equity in Vermont's Act 60

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Interest Group Influences in Advancing and Inhibiting Educational Finance Reform: The Politics of Equity in Vermont's Act 60

William J. Mathis[1]

"TRAILER-PARK ENVY" AND THE "BIAS AGAINST WEALTH AND FAME"

Author John Irving owns a home in Vermont. As a result of tax and school eform, he was asked to pay taxes at the same rate as towns which had smaller ax bases. In objecting to what he saw as an outrageous increase in his taxes, he tated that he did not want to share taxes with the poor. Furthermore, he escribed himself as "unrelentingly elitist" and did not want to subject his children o "trailer-park envy." As a result, he started his own private school for his hildren. Irving further opined that it was "immoral" to have rich towns and rich eople pay the same tax rate as the poorer towns. In Irving's words, reform was Marxist plot.[2]

State Senator Cheryl Rivers sold her old car in the want-ads. Tax reform pponents bought the car. They hauled it to the statehouse, painted anti-reform tatements on the sides, and destroyed the car with sledge-hammers.

These are two examples of the political furor that followed the passage of Act 60, a comprehensive education and tax reform measure in Vermont. Prior to eform, such excessive behaviors were not manifest by the poor or other constituencies who were disadvantaged under the earlier and constitutionally inequitable system. Equity was warmly embraced by everyone -- as long as it remained a theoretical principle.

Increasing Wealth and Tax Disparities - Nevertheless, tax and educational finance reform emerged as the number one state issue. As the state share of educational expenses continued to decrease, the disparities in tax

increased. State economic policy and the pinch of the early 1990s
on caused the gap separating rich and poor to continue to increase. There
481% difference in property wealth between the richest and poorest towns
when the richest and poorest five per cent of towns were taken out of the
rison.[3] The Washington based Corporation for Economic Development
Vermont 46th in fiscal equity.[4]

Nationally, the economic boom of the 1990s benefited the wealthy. The
class had only the same buying power in 1999 that they had in 1989.[5]
nt paralleled the national picture. Vermont income increased $3.9 billion
990 to 1995. Of this increase, $3.4 billion was in incomes over $60,000.
eant that the top twelve per cent of the population received 87% of the
sed income. From a different angle, the top eight per cent of incomes
ed 32% of wealth; they received 37% of the wealth in 1997.[6]

Reflecting the gaps in personal wealth and town wealth, education
ing varied from $2961 to $7726 per pupil. School tax rates ranged from
to $2.40 per hundred of market value with the richest towns enjoying the
t spending and the lowest tax rates.[7]

Moving Toward Equity - Recognizing that these growing disparities
sed social injustice, denied equal educational opportunities, and abrogated
esponsibilities; a small number of citizens, school board members, school
istrators and politicians pressed for reform.

Similar to educational finance movements in other states, the reformers
t experience early success. It was only when solid reform majorities were
d in the House and Senate coupled with a timely Supreme Court decision,
omprehensive reform took place.

The successful reform resulted in a statewide, uniform and equitable
rty tax for all. It also provided a guaranteed yield tax system which assured
owns could still vote to spend as much as they like. However, the extra

would be at the same tax burden across the state. This reform
boon to those towns paying over $2.00 in taxes for every
s value of property. They saw their tax rates drop toward the state
23. But the affluent towns (known as gold towns), predominantly
as, resorts and bedroom communities, saw their tax rates multiply
nes. The poorer towns saw the reform as only being fair and
orical injustices. However, the richer towns spoke of revolution,
party and compared themselves with civil rights leaders in the
cause.

EFORM BACKGROUND

nout the last half of the twentieth century, state aid to education
-tooth pattern. The percentage of education expenditures funded
uld drift down to around twenty per cent. Since the remaining 80
rawn almost exclusively from small and narrow-based local
, huge inequities would result and poor towns suffered the most.
s "fell off the formula," calls for reform would increase. When critical
was achieved, a new state aid formula and a dollop of new money
vn into the pot which would raise the state share to between 30%
state share never approached the 50% average found across the
While such small increases would not achieve equity by any of the
d educational finance measures, it was sufficient to achieve the
nd quiet things for awhile. Then, with inflation, weak economies
ne state share would again begin to slide downwards. This pattern
seven times between 1950 and 1997.

any examination of Vermont politics is the political structure. The
overnance is the town. A geographically small state, Vermont
nas 252 autonomous towns. With "a little democracy at every
a typical town has about 38 square miles and 2400 citizens.[9] In
elected selectboard (town council) and elected school board, the

vn meeting still thrives. In this annual event, townsfolk get
ice direct democracy on school budgets, town budgets, and
nterest.

g localism coupled with open meetings laws assures that
tions are highly visible. Access in this small and neighborly
ally excellent. At the same time, this decentralized government
ven application of the laws, local cliques and power fiefs. The
edge and capability of local officials varies from excellent to poor.

and narrow tax base of local towns can and does result in huge
are not able to smooth inequities across a much broader base.
e "Northeast Kingdom" have no commercial tax base. There are
ven a local "Mom and Pop" store. Meanwhile, tourist towns, such
have malls and outlet stores, motels, restaurants and bars,
and a large tax base. Major ski areas such as Stowe and
similarly strong property tax bases, but this is not true of the poor
ns where low-paid lift operators, chamber-maids and other
e ski areas reside.

Democrat or Republican, every governor in the last half of the
y noted the huge inequities in property wealth, the fact that
as much as 80% of their costs from this narrow base, and called
arious guises and levels of intensity, each of the governors did
metic and came up with the inevitable conclusion that equity
chieved through some form of statewide property tax. There
ther way to provide the necessary level of support.

of the myriad reform proposals was enacted. The legislature,
50 House members and 30 Senators, provided a state legislator
citizens -- one of the lowest ratios in the nation. While this citizen
ry accessible to reform proponents, it is just as accessible to

ative of the quirky nature of Vermont electoral politics, the
ublican Governor, a Democratic Lieutenant Governor,
sman emerge victorious. Until about 1960, Vermont was
state with the biggest fights being between the two wings
. The next thirty years saw a huge diversification in the

ETY ORGANIZATIONS: A CORE OF COMMON CIVIC

were a diverse lot who intersected with the political world
ed themselves with the Democratic party. The Progressive
in the Burlington area, not only elected a federal
a number of their ranks to the Statehouse. In virtually all
s were unrelentingly reform minded but their ardor was not
across a state with a Republican tradition and
litical lines were not so cleanly drawn. A number of
saw the need for reform and their votes were to prove
se and the Senate. Many legislators philosophically
ir level of commitment and activity varied. Most legislators
need for reform provided it did not harm key

re of reform agents was small. The emerging civil society
calized and typically not registered as lobbying groups.
in hand, they trooped the state to demonstrate the
r solutions. Often, the audience would be ten to fifteen
re if covered by the local television cable channel.

s - Political reform energy had been diffuse and
rs had recognized the problem but had not been
itiatives. With a highly localized and informal structure, the

organizations and politicians was blurred. Elected
with groups pressing for reform. Reform energy flowed
use of Representatives and early legislative efforts are
w.

nized for Tax Equity (VOTE) - In the central part of the
etcalf (a school administrator and political activist,
statewide civil society organization in February 1996.
t the disparate actors from around the state were pulled
came key actors in pivotal state Senate races in central
nized an early petition drive that gathered 3000
ngs in March 1996 calling for reform. Cindy Metcalf, by
state Democratic Party, is given primary credit for the
Out the Vote campaign which saved the reforms in the

hool board member and later officer of the state school
ded the cause in the central and eastern parts of the
he long-haul. He helped write and distribute 75,000
eform in conjunction with Representatives John Freidin
superintendent and educational finance professor
in a number of presentations around the state and
tewide debates with business economist Arthur Woolf

statewide educational television program, John Freidin,
McDonald, William Mathis and Robert Gensburg
reform. All were to play later roles in the reforms but
aper person, found herself in the opposite camp.

ncing Education (FIFE) - This group from Norwich,
ded by Tom and Linda Gray along with Irv Thomae. Gray

later becar
reform. Irv
became ar

Lea
Bond in th
group of h
with legisl
they raise
were seen
agenda.[11]

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Allen Gilb
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all would
an activi

tributor of information and webmaster for
with a special talent for statistical analysis,
t throughout the troubled times.

s - The League of Women Voters, with Amy
oped and presented their plans for reform. This
n printed brochures, traveled the state and spoke
le not resulting in any substantive legislation,
d for reform across the state. The fact that they
role of the activists lent credibility to the reform

Reform - This group developed and distributed
wn meetings to bring pressure to bear on a
s headed by John Freidin and Paul Cillo with
actual work. It was funded out of the pockets of
ous donor.

esources Council - This environmentally
sistent and steadfast proponent of reform.

n exceptional analyst with an interest in land-use
highly credible skills and objectivity resulted in her
ata by both proponents and opponents. In the
on of Act 60, she was contracted by the state for

tions - During the early 1990s, the professional
philosophically supportive but their plans did not
hool Boards' Association (VSBA), Vermont
VSA) and Vermont-NEA (VT-NEA) teachers union
sition statements favoring reform but did not take
te for any particular reform. The Vermont

Principals' Ass
momentum wa
with legislators
Wright introduc
fell apart.

Fearing
called for a co
As the later co
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was very prote

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IV. FAILED R

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Leaving aside
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While
controlled Se

e in the reform effort. The greatest
A, and League of Cities and Towns met
velop reform proposals. When Speaker
rs' contract in January 1993, these efforts

tion provision was too weak, the VSBA
n the early 1990s. The effort got nowhere.
he VSBA provided financial assistance for
League of Cities and Towns, which is the
ation, consistently spoke and worked for
ad problems with the direction of the
relief from local property tax burdens but

egislative attempts, a small cadre of
g momentum. Early CSO reform groups
nging the issues to greater public
me actors were soon found at the center of
they developed, implemented and

every stripe spoke in favor of reform in
he particular. Equality was a warmly
it could be done without disturbing those
ortunately, painless solutions do not exist.
and taxes, there are only three major tax
property taxes.

sive solution to the problem, the Republican
ed income tax solutions and would only

reluctantly consider
conservative forces
progressive or broa
taxation would reso
business interests v
as by low-income a
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local officials as the
from 1793 until 193
inconvenient).

During the 1
statewide property
the legislature. His
Kunin achieved pa
However, she coul
have shared reven
Richard Snelling re
parties, he and Ho
comprehensive ref
chaired by educati
the summer. With
Democratic Lieute
throughout the 19
agenda.

Contrary to
reform leadership
pulpit of the execu
leadership placed

ms. Faithful to national tax movements,
gainst any shift toward a more
eir speech, market forces and low
ne taxes were opposed by wealthy and
opposed by the tourist industry as well
tax as regressive. The large number of
te sufficient revenues. The only
erty tax which was jealousy guarded by
state had had a statewide property tax
ates found this historical precedent

vernor Richard Snelling proposed a
tial property but could not get it through
within his party. Governor Madeleine
n the rising tide of a robust economy.
or a recapture provision which would
wealthy towns. Hopes were high when
r's office in 1990. Although of different
right planned to develop a
appointed a House study committee,
rbara Grimes, to work on this plan over
mmer 1991, the plans died with him.
d Dean inherited the office and remained
e the lead on any subsequent reform

ovements across the nation, active
the legislature rather than from the bully
nental reform without strong executive
ented burden on reformers.

In 1987, the foun
unanticipated tax monie
the economy was in rec
deteriorated in relative t
education funds), it deg
was cut and schools ma
translated into tax trans
inequities increased. G
per pupil education cos
later adopted by the 19

The cost-shifting
state aid. Special educ
cut, level funded, or fu
rolled out to local town
increased calls for refo
governments. Reform
relationships among th
interest in reform.

The "Little Tax
apart in 1991, Represe
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this group included Ho
Powden. Ellen David-
Jeffries spoke for the
superintendents. Alon
set forth principles of

With a progres
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la was put in place funded from
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erms. The state aid appropriation
ts. Even so, reductions in state aid
w tax base. As a consequence,
ed these cuts and, citing Vermont's
as wasteful. This point of view was
group.

bases was not limited to general
tion and other programs were either
his resulted in further costs being
nerated political dissatisfaction and
ards, taxpayers, and municipal
ed on building and strengthening
s and constituencies with a vested

ipartisan Snelling/Wright plan fell
other House members continued to
terested in tax reform. Members of
llo, Andy Christiansen and Carl
the teachers' union while Steve
owns and Richard Cate for school
cate Deborah Brighton, this group

ng, the "Little Tax Group" looked at a
where different towns got equal
equity), a uniform statewide property

tax, a reduction in the dependence on property taxes, the protection of farm and forest property against development, and a system where no town was "off the formula." The reformers wisely saw that reform could only be sustained if all groups had the same stake in adequate state funding.

Early work had an important and essential by-product. Observers of all political persuasions soon realized that the state's data collection system was chaotic, fragmented and suffered from poor definitions. The most immediate outcome was the regularizing of tax and school expenditure accounts. This solid data base was a vital and essential achievement for later reforms, government efficiency and governmental openness.

The immediate effort came to naught. However, it established the principles that were to show through the reforms five years later.[12]

The Blue Ribbon Commission - Although the Snelling/Wright plan collapsed, the inequities and the push of the League of Cities and Towns lead Governor Dean to establish "The Governor's Commission on Municipal and Education Finance" at the end of the 1992 session. The commission was cautiously working toward an income tax based solution. After saying he would let the commission complete its work undisturbed, the Governor told the press in September, 1992 that he would not support an income based plan. Following this set-back, the commission finally made a less effective proposal for a tax on second (or vacation) homes. This plan did not gain broad support.

Statewide Teachers' Contract - Speaker Ralph Wright, in the 1993 legislative session, proposed that reform could be achieved if the state funded all teachers' salaries. Since salaries were 53% of costs, a high state share would be guaranteed. All towns would have a stake in state aid and the state share would not erode. After all, it was a guaranteed and contractual agreement with the union. The state would also take-over the nasty business of teacher negotiations and thus free local boards and teachers to concentrate on education. Not

surprisingly, the teachers union found the plan unacceptable and excoriated their fellow teacher and union member Ralph Wright.

The House Ways and Means Committee held hearings throughout 1993 with much of the financial work being done during the summer and fall. Paul Cillo and John Freidin from Ways and Means would team up with David Larsen and Carl Powden from the education committee. The group would meet in the "clubhouse," an upper floor of the Joint Fiscal Building to model the numbers, write brochures, develop media strategies, and otherwise build public pressure for passage in the Senate.

In speaking of civil society organizations, the term is not generally applied to legislators. Nevertheless, this group of like-minded legislators blended the lines. They were committed, elected with a reform purpose in mind, carried their campaign without support from the executive branch, countered the traditional positions of the legislature, and were challenged by well-heeled and effective lobbyists.

The plan was politically impossible with a Republican Senate and an irate teachers' union. The plan, House Bill 541, passed the House 83 - 62 and a version, with few similarities, passed the Senate. The Senate proposed a supervisory union-based regional tax sharing program but when the conference committee suddenly accepted the Senate position, it failed ratification by the House. When the day was done, the Senate would not accept the House plan nor vice versa. The House reform plan fell to a strange coalition of local autonomy protectors, a Republican controlled Senate, palace intrigue within the Democratic party and the influence of the teachers union. Wright was targeted in the next election and, while campaigning for fellow Democrats, neglected his own race and lost his seat in 1994.

Nevertheless, the Democrats retained a House majority and came back in 1995. The House Ways and Means Committee was chaired by staunch reform

advocate Oreste Valsangiacomo. Doing the heavy-lifting was reform advocate and committee vice-chair John Freidin and Paul Cillo who was elected House Majority Leader in the fall of 1994.

Not being able to pass a bolder plan with a statewide property tax, the 1995 plan (H-351) was designed to win approval from a Republican Senate and a reluctant Governor. There was no income tax change or statewide property tax. The plan did have equity features in the equalized yield formula albeit under-funded. The House passed the bill in March, 1995 but the Senate did not send it back to the House until the end of the 1996 session.

In the meantime, Lieutenant Governor Barbara Snelling, wife of the deceased former Governor, established her 1995 Republican summer study group that basically said the problem was not one of inequities but that education spending was too high. This line of thought was advanced by education Commissioner Richard Mills' "Cost and Quality" report of November 1995 that said education spending was wasteful. They proposed cutting $100 million by increasing class sizes.

Even the Republican controlled Senate rejected the Republican study group's proposal. Their 1996 response to the scaled-back House plan was a county-based property tax with a property tax exemption for homesteads. After considerable acrimony between Republican Senator Sara Gear and Democratic Representative John Freidin, the conference committee dissolved without agreement.

The End of Deliberative Discourse and Political Regrouping - While legislative sparks flew, public discussions and debates were generally polite, intellectual and could be characterized as consciousness-raising. The combined effect of lowered state school support, local tax increases and a weak economy lent credence and intensity to the awareness campaigns staged by the reformers. Public support for reform was increasing.

Having seen their efforts repeatedly succeed in the House but be killed in the Senate, reformers realized that awareness campaigns would not be sufficient. They had to become directly focused on the politics and, particularly, on key races in the Senate. They went out to get a reform-minded majority. The 1996 elections saw them establish a 17-13 majority in the Senate and the election of a reform-minded Lieutenant Governor, Douglas Racine.

Recapturing the Senate was not the only path reformers chose. Many felt the legislative process was too uncertain, unlikely to be productive and they needed to take the substantial risk of court action. They knew if they failed, that reform could be set back for decades -- if not forever.[13]

V. AMANDA BRIGHAM AND THE COURT CASE

Amanda Brigham was a second grade student in the small dairy town of Whiting, Vermont. She was soon to find her place in Vermont history.

Amanda's mother, Carol Brigham, was a school board member in Whiting as her father, Leo Derepentigny, was before her. The town of Whiting has limited property wealth and has always had a difficult time funding their school. Standing in the playground, you can easily see the Killington ski resort which spent 25% more per pupil at a tax rate one-fourth of that in Whiting.[14] In 1994, Carol Brigham was approached by school superintendent Mathis to see if she and her family would lend their support to the court case.

The Vermont chapter of the American Civil Liberties Union had grasped the issue and Robert Gensburg was the lead attorney. The reformers and Gensburg rapidly found each other. Gensburg was to donate countless hours to the cause. He not only immersed himself in all of the legal angles, he developed an expertise in statistical analyses necessary to advance the case. The lead plaintiff was Amanda Brigham followed by Spencer Howard, a Hardwick student. Steadfast reformer Allen Gilbert lined-up his school board in Worcester as a

aintiff while Mathis enlisted the Brandon board. Aggrieved taxpayers rounded ut the plaintiff list. Seeking what was considered to be a sympathetic judge, the ase was filed in March, 1995 in Lamoille County Superior Court.

Educational organizations were reluctant to take-on such a drastic and olitically volatile case. Many were afraid that a court defeat would do permanent amage to their cause. They felt that the education clause, which said that each wn ought to maintain a sufficient number of schools for encouraging virtue and reventing vice, might prove too weak to serve as a constitutional base for eform[15]. They did, however, feel more comfortable with the equal protection rticles of the Constitution. As regards taxation, article seven states that overnment exists for "the common benefit" and not for the particular advantage f any group of people "who are a part only of that community." Article nine, ays that each member of society is ". . . bound to contribute his proportion oward the expence(s)... ," for the common good.[16] Based on a legal article ritten by the VSBA's executive director, John Nelson, and the urging of Gilbert, he school boards set up a fund to pay for expenses of the case. Bob Gensburg nd other attorneys worked for free.

The state was the defendant, but the plaintiffs had the advantage of the fficial state reports (particularly the school finance, "Scorecards") that emonstrated the magnitude of the inequities. This was compelling evidence hat the state did not attempt to refute. The state argued there was no onstitutional guarantee for equal educational opportunities and thus, no remedy hould be found at law.

At the trial level, Lamoille County Superior Court Judge Meaker, in a 2 October 1996 partial summary judgement, said that the education article provided no entitlement to equal education, but there was an entitlement for equitable taxes. This ruling satisfied neither the plaintiffs nor the defendants. Consequently, both parties jointly appealed to Judge Meaker to let the case proceed to the supreme court on the entitlement questions. Literally on the eve of

l, the trial judge granted the motions for summary judgement. The case to the supreme court for a decision on whether there was a constitutional ntee that all children be properly educated. If such a requirement existed, was anticipated that the case would be remanded back to the lower court l. Of course, for the plaintiffs, a finding of a constitutional guarantee was nount to winning.

The supreme court heard the case on 18 December 1996, with Amanda m, the plaintiffs and other reform advocates sitting behind the attorneys. In estioning by the Justices, the state contended that a little inequity was ssible which provoked an interesting exchange as to how little was little.[17] unanimous and eloquent decision issued on 5 February 1997, the court a state obligation for educational equity and declared the system stitutional.

Thus, without a trial, and moving with exceptional speed (four months rocedural appeal to decision), the Court ordered the legislature to remedy sparities. "In this appeal, we decide that the current system for funding education in Vermont, with its substantial dependence on local property and resultant wide disparities in revenues available to local districts, ves children of an equal opportunity in violation of the Vermont constitution."

UTTING THE PIECES TOGETHER: THE DEVELOPMENT OF ACT 60

As the legislature opened in January 1997, a property tax relief proposal eing developed which was generally considered weak and inadequate but l be passed by the Senate and signed by the Governor. Basically, school would be capped at three percent of income for incomes below $80,000. m legislators did not have high expectations.

The 5 February 1997 court decision hit the general assembly like a ler-bolt. The reformers were euphoric, and the opponents were stunned in

ejection. Newspaper columnists described it as a watershed event
istory.

ld analyses, studies, print-outs, and failed reforms of the previous
ork were put into the hands of the House Ways and Means
warm from the copying machine. Legislative leadership defined
e areas that had to be addressed and assigned them to various
nate committees. The prevailing lawyers, analysts, reform
d school officials fanned out to the various money and education
provide consultation and advice.

lyses of every sensible solution (and many non-sensible proposals)
een accomplished, models had been tweaked and adjusted to
ctiveness. Due to the massive homework and expertise, one of
d most complex pieces of legislation in the state's history moved
houses in a matter of four months. A large array of "soft landing"
re added to protect the gold towns who now faced rapid increases
order to bring them up to the common statewide tax rate.

oposal had a number of interesting features:
de property tax rate was set at about $1.10 for each hundred
property wealth (after full implementation).
rant would be provided for each student of about $5000.
ricts could vote any amount they wanted to spend above the block
l. For spending above the block grant amount, all towns would be
ed a set tax yield for similar levels of taxation. For example, for
litional penny on the local property tax, the town would receive $42
in revenue.
hat had more than sufficient tax ratables to maintain their spending
ld have excess funds **recaptured** by the state education fund for
her districts. This was to prove the most controversial feature.
nal quality standards were adopted across the state.

on a person's homestead was capped at no more than 2% of
ncome, up to an income of $75,000, to support the block grant.

warm and sunny day on 26 June 1997 when Governor Dean
hree room Whiting School to sign the law into effect with Amanda
hiting students by his side. It was also a congregation of the key
en advocates, plaintiffs, and historical reformers who now saw the
ars of work.

r and educational equity was now the law of the land.

DUS BACKLASH: CIVIL ORGANIZATIONS OPPOSED TO

up's victory is another's defeat.

ame day as the signing, reform opponents from the town of Stowe
e Lamoille county courthouse, accompanied by their children, to
the new law. They contended that it was unconstitutional and,
ings, violated the "Declaration of Independence." This was a
argument, but it made strong political theater.

conflict now emerged. Reform had moved from a theoretical
everyone subscribed, to a reality. Reform opponents had various
and motivations:

to tax increases - Towns and individuals who had been favored
evenues from low taxes now found that they were facing
e tax increases.

resort proprietors - As the wealth of the state is
onately concentrated in a small number of ski-oriented towns,
s were outraged.[18] Despite the elimination of business property
hinery and equipment taxes), and numerous soft-landing phase-in

usinesses in small towns argued an unfair increase in

arty - Although the bill had bipartisan support, many
ct 60 as a defeat and as a future opportunity. Although
by some party officials, Act 60 was to become the
998 elections. Influenced by forces across the nation and
e Republican party abandoned the center to Governor
ative Democrats. They moved sharply to the right, and Act
ampaign issue.
Libertarians also attacked the new law as they perceived
their historical responsibilities and liberties. "Local Control"
. They called the law communistic, socialist, and any other
could be reached and hurled. Gubernatorial candidate
for outright rebellion, civil disobedience, and for citizens
rous" taxes.
ıls - Numerous executives of major news organizations
ork Times, the Wall Street Journal and Time magazine
es in Vermont. Typically, they enjoy expensive homes with
ld towns. It was not long until reporters from these media
t and filed stories about the reform. The Wall Street Journal
ative stories and the New York Times was also negative.
s balanced which may have reflected the building reaction
e criticism.

of wealth, passionate commitment, media access, political
economic interests, local government officials and
resented a formidable armada sailing into battle at
y espoused a take-no-prisoners intensity. They did not
ory talk, appeals to fear, malleability with the facts and
ks.

Organizations - With motivation and backed by large and

erests, two reform opposition civil organizations were

ents for Quality Education was spear-headed by Mary
he property rich town of Dorset who feared that her
would be cut because of the higher and recaptured
ve to pay to the state. The **Coalition of Municipalities**
ett who was to unsuccessfully run for the House. His
local control. These groups found themselves politically
ce, libertarian, and conservative groups.

eloped strong organizations with executive directors,
nd targeted and differentiated fund raising activities.
ers" in the newspapers of the state, bought full-page ads,
orial candidates who opposed Act 60 (reduced to one
n), mounted a strong supreme court impeachment
o and television ads, enlisted academics to critique the
velop alternative tax plans,[19] coordinated and
op-ed pieces and letters to the editor, staged and/or
flooded call-in shows, and effectively organized
ons. One of the more notable and dramatic efforts was a
the Governor when he hosted the National Governors'

anization, and comprehensiveness of opposition groups
outstripped reform proponent efforts in getting the reforms
opposing groups used the same civic and organizing
he reform proponents.

Base of Civil Society Organizations - Civil society
posit a normative base which includes better government,
sparency. Broader governmental participation, equality,

and advo
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VIII. WH
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the legi
tax refo
forums,
otherwi

ed and vulnerable groups are part of the base.
of law.[21]

reform proponents, the civil organizations formed
t perpetuating inequities, denying equality to
means, advocating against the rule of law, and
ood of the whole.

ever, shrilly defended the rightness of their cause.
s 1997, editorial piece spoke of peace, and
l divisiveness" caused by Act 60.[22] Even the name
ermont Parents for Quality Education," appeals to a
tedly, opponents decried the "unfairness" of a
tax rates of the most affluent 11% to be equalized
of the state.

ed of noble purposes and undoubtedly believed in
if opponent perspectives were successfully
t observers agreed that they would have the
rhetorically espoused.[23] There was an obvious
e between reformers and opponents and the gap

Y COMING? THE ORGANIZATION OF RS FOR EQUAL EDUCATIONAL

ere staging high-profile political and media events,
e. During the summer, the small band of property
spond to letters to the editor, participate in public
d pieces, engage in e-mail list-serve debates and
r reform (which was rapidly getting lost in the

rhetoric) in th
and consider

As opp
proponents w
see when the
support of th

Lieute
Karen Lafaye
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Worcester w
was also a p
spokesman

The g
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Gilbert as th
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to specious
A web page
as a debate
with nationa

nds. They were clearly on the defensive

the summer and fall of 1997, the
ne. They forlornly scanned the horizon to
ne Governor made few pronouncements in
eting with reform opponents.

cine, Senator Cheryl Rivers, Representative
net at a picnic table at the Vermont
September 1997 to organize the cavalry.
rm advocate Cindy Metcalf) took the lead to
n legislators, citizen advocates, plaintiffs,
an meeting informally in Fall 1997 and was
a non-profit corporation in February 1998.

a long-time proponent of tax and education
r of the group. Hoff was a zealous, forceful,
n Gilbert, a school board member from
utive Director. Gilbert, an early VOTE leader,
se and was to emerge as the key
ormally organized civic organization.

l their organization at a statehouse press
n Philip Hoff, Douglas Racine and Allen
had already established a clipping service
ate. The purpose was to immediately react
rticles solicited from a small stable of writers.
n Gray to support the plan. Gilbert emerged
or of an explanatory book, and interviewee

A Loss for

Enamored of new
department of edu
list-serve be estab
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people who signed
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to organize demon
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each other. The in
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methods and othe
find their message
out.

By Novemb
were George Cros
Heath. Opponents
Mary Barrosse, N
Pascoe. These w
public debates.

The origina
about the law, an
systems was lost
others urged Con
a distinctly uncivi
leaders were call
December 1997

se: The Battle of the List-Serve -

:Namara of the Vermont state
ommissioner Marc Hull that an e-mail
tronic democracy" could discuss and
tablished in July 1997, the hundreds of
ad their computers barraged by between
s used the vehicle to find each other and
s, and establish a statewide
so used the list-serve to find and support
ncreased. Civility was soon forgotten
ifferent views began. Others used the
an the school-to-work conspiracy
sh (!), advocate for particular reading
agendas. [24] Reform proponents would
attacks and, one-by-one, they dropped

of Act 60 still remaining on the list-serve
am Mathis, Connie Krosney, and Martha
umbered proponents and were lead by
ot and opponent webmaster, Jeffrey
people engaged in the newspaper and

nge of ideas, civil dialogue, edification
ment of the educational and finance
arized political debate. This author and
ommission the list-serve as it had become
ltaneously, editors and many Republican
rhetoric. Hull closed the list-serve in
demonstrations of the reform opponents.

The list-serve w
Senator Peter Browne
Cross and Rod McCor
vehicle for reform oppo

Public Informa

legislators, governmen
Senators Cheryl River
Commissioner Ed Haa
Education Commissio
superintendent Mathis

Opposition was
subjected to an incred
coverage in the media
However, active north
southern cordillera.

The departmen
manual explaining the
wrote a widely distribu
reform opponents cha
of individual tax relief

Town Meeting

1997 faced its first te
school budget votes,
defeat school budget
town and regional sc
budgets went up an a
than usual. (In an ave
Act 60 was not filterin

ugh the efforts of Republican state
on of contributions by George
ame a dedicated communications

explain the new law, various
ents took to the road in fall 1997.
were at the forefront along with Tax
y, former legislator Sean Campbell.
podium along with school

hern part of the state, and Hull was
attacks which resulted in strong
rn criticism was in the town of Stowe.
run as deeply as it did in the

A and the VSBA co-authored a
ess Bureau reporter Jack Hoffman
th of these publications were neutral,
ents (which spelled out the methods
sed.

of the furious uproar in the last half of
votes of March 1998. In the annual
day of March, opponents sought to
t measure. Of the approximately 300
ten were defeated even though
.[25] This was a far better passage-rate
s are defeated.) Clearly, opposition to
get rejection at the local level.

The reasons were somewhat clear. First, 89% of the polity were eligible for a personal property tax reduction averaging $516 each. They saw immediate personal gains from the act. Second, the tax rate also declined in 168 of the 251 towns. Stowe, a hotbed of opposition, passed their budget by a 2-1 margin.[26] This was a battle opponents were not to win.

November 1998 Elections - Fall 1997 to November 1998 was the year of perpetual thunder. The citizenry was subjected to an incessant storm of newspaper articles, demonstrations, press releases, letters to the editor, opinion pieces, and paid media advertisements. It was not a time for the timid. Opposition efforts were at a peak. Although considerably out-spent, CVEEO proponents rose to the challenge.

While town meeting was a success for the proponents, everyone knew that the real test was the November, 1998 election. The Governor, Lieutenant Governor, and all 180 House and Senate seats were up for grabs. Opponents knew they had to prevail in the legislature. They faced the daunting task of upsetting a popular (but lukewarm reform supporter) Governor who had not previously faced a serious challenge. Republicans needed to gain majorities in both the House and the Senate.

Lieutenant Governor Doug Racine, an active organizer and member of the pro-Act 60 reform group, was seen as a key person to defeat. A turn-over of only two seats in the Senate plus the Lieutenant Governor would give them control of the chamber. Opponents also targeted reform architects, House members John Freidin and Paul Cillo. Freidin and Cillo fell to highly orchestrated and heavily funded challenges. Doug Racine held on to his position by a margin of less than one per cent against well-known challenger and former Lieutenant Governor Barbara Snelling.

In the Republican primary for the Governor's race, a ski business mogul and steadfast opponent of Act 60, Bernard Rome, was defeated by the further

right and fire-breathing opponent of Act 60, Representative Ruth Dwyer. Dwyer injected venom atypical of Vermont state politics, but Dean was re-elected by a 58-42 margin. Dean held the business sector, the center and left.

Well-organized reform opponents, with strong financial backing, had taken their best shot and failed. As Republican state senator and government professor Bill Doyle said, most observers felt it had been a Democratic year.[27] The House remained Democratic but by a smaller majority. The Senate remained 17-13 in favor of the Democrats. Selected appointments to key committees assured that Act 60 would be safe at least until the next election.

While other challenges continued, the tide had turned. Reform advocates had won their most important battle -- retaining favorable majorities in the legislative bodies and in the Executive Offices.

The Tax Rebellion - In 1997, reform opponents circulated a petition to the 28 towns in Jay Barrett's Coalition of Municipalities to see if they would join the rebellion by refusing to send statewide property tax and recapture monies to the state. There was limited appetite for civil disobedience despite exhortations by gubernatorial candidate Ruth Dwyer. Three towns (Dover, Searsburg and Whitingham) ended up withholding tax payments to the state. The state sued the districts to pay the taxes due the state and withheld all payments to the defiant towns. The towns took their issue to the federal courts and were rebuffed by federal district court judge Garvan Murtha on 28 April 1999.

The Court Challenges - Of the thicket of court cases filed, to date, reform proponents have prevailed in both state and federal courts. By 1 May 1999, three cases had been rebuffed by the Supreme Court; the central case being whether the recapture provision of the law was unconstitutional.[28] By September 1999, only one court-case remained and this had been rejected by the lower court. Except for winning on one technical definition in a transition provision of the act, opponents lost every court challenge. The Stowe Reporter, situated in an anti-

reform stronghold, notes that even the staunchest of opponents have softened their stance.[29]

The Legislative Challenges - One alternate plan, Educational Revenue Sharing, would return the state to a town-based percentage equalizing system. With the narrow tax base of individual towns, this system would minimally support the poor towns and leave the richer towns in their pre-Act 60 privileged position. This proposal failed to gain legislative traction due to (1) a committee structure that would not vote-out such a proposal, (2) a return to a perceived unconstitutional system, and (3) a failure for the numbers to add-up.

A second proposal would have enacted a value-added tax to each step of the manufacturing process. This proposal was quickly scuttled when independent economists noted the extreme and negative effects on Vermont businesses.

The reform opponents recognize that they have yet to develop and build sufficient support around a viable alternative.

Challenging the Composition of the Supreme Court - Headed by former state senator and one-man Libertarian think-tank John McClaughry, a major effort was mounted to deny the retention of three Supreme Court justices who ruled in the Brigham case. However, in the spring 1999 session, by secret ballot of the House and Senate meeting as a general assembly, the justices were retained.

IX. CIVIL SOCIETY AND ACT 60

Vermont has several factors that make it fertile ground for civil society organizations such as the openness of government, the rich ratio of representation, and the common values of residents. The following points serve as foci for expanding civil society and also reflect the evolving changes of civil society in an electronic world.

Government Accessibility - Vermont is a state ripe for the development of civil society organizations. They are extremely effective in a state where everyone calls the governor by his first name. The state has a small scale bureaucracy and eschews excessive formalism and pomp in government. As compared with others, the political process is open and accessible. The geographic boundaries are small and the elected representatives are many. Despite numerous and intense political disagreements, there is still a strongly held Vermont identity among all peoples. Town level government is robust and state elected and appointed officials are friends and neighbors.

State civic organization movements have resulted in some of the strongest environmental, health and development laws in the nation.

Blending of CSOs and Government - This informal structure has led to a blending of lines between citizen advocates, local officials, elected officials and state bureaucrats. In the instant case, it could be argued that the CSOs not only changed peoples' minds, they became a part of the political process and mustered sufficient legislative votes to obtain enactment. Information and support flowed freely across organizational and hierarchical lines. Likewise, in a small state with strong public access laws, sharing of information, data bases and analyses (with some exceptions) flowed back-and-forth easily between government agencies and across contending groups.

The Small Number of Actors - One of the most astounding features of the successful reform was that it was engineered by such a small number of people. Core actors included a half-dozen legislators and a like number of citizens. In many regards, it represented the small pressures that tipped evenly balanced, but much heavier, opposing forces. The success of the reform is an antidote for those who feel that small and individual actions cannot be successful.

The Slender Finances of the CSOs and the Financial Imbalance - The

-chest for the proponents was incredibly meager. Contributions were typically
ıe $50 and $100 range with total fund-raising probably not exceeding
,000.

Opponents raised hundreds of thousands of dollars when the effects of
Freeman Foundation were included. If the grants provided by this foundation
avoid recaptured tax sharing (and thus, financially topple the reforms) were
ded, then the figure is in excess of $6 million. Despite television spots, full-
ge newspaper ads, mass mailings and the dedication of partisans, opponents
not win the day. They argued that they were forced to raise money as the full
ources of state government were arrayed against them. State commissioners
sponded by stating that they were neutrally required to implement the law of
land and inform the citizenry.

The CSO as a Defensive Player - The initial development of the reform
ort was more casual and represented small groups of kindred spirits who
ught to enhance public awareness. In the early stages, deliberative dialogue
s the mode. Formal organization and a new level of political activism was only
dertaken when the enacted reforms were severely threatened through the
rmation and actions of anti-reform groups.

Composition and Skills of the CSO - The ever-floating membership of
e CVEEO represented a diverse array of skills, knowledges and abilities. Highly
pert tax analysts, finance specialists and attorneys were represented. Often,
ey had to develop new skills and new analyses in short order. Committed and
lented speakers and writers were also available. There were also adroit
olitical actors and people with the knack to write the right letter or make the
mpelling media story. They were able to call on a broad spectrum of specialists
s needs arose.

Opposition groups had a like diversity of talent, employed the same
chniques and effectively brought their forces into play.

Organizational Development - In beginning stages, reform organizations eak, diffused across the state and fluid. Early actors left the stage to be d by others. Some lost elections and others simply lost interest. The focus and strength of the group was found at the point of greatest danger eform movement. As the threat receded, the organization became less As with most volunteer organizations, the level of commitment varied. vas a spectrum of activity ranging from zealous hard-core to the passive minded.

Normative Base of CSOs - In the eyes of reform proponents, they were for a holy cause. Likewise, opponents sincerely believed their cause was s in examination of the social outcomes that the differences are found.

One of the reasons that reformers prevailed, is that the citizenry zed that the opponents put forth self-serving and inequitable solutions. there is a historical and deep acceptance of equity principles.[30] At the of opposition, public polls showed the people to be evenly split. By r 1999, the balance moved in favor of Act 60. Much of the acceptance of as a principle can be traced to the countless community forums of the pre-CSOs.

The battleground was the media - Effectively presenting the case in the was essential. Opponents staged very strong political media events to newspapers, children demonstrations, picketing the National nors' Association, etc) and some that back-fired (bashing Senator Rivers' d calls for civil disobedience). Out of state media portrayed the state as on the verge of civil war.[31] For all the turmoil, in-state media and the ry did not embrace such an Armageddon-like view. The major state apers editorially supported Act 60. At most, statewide media would urge andings for heavily impacted gold towns. While embracing negative out-of-

erage, opponents later blamed in-state media for unfair

rties, the relationship with the media could be characterized as
nate and mutually exploitive.

tronic Civil Community - New electronic media emerged and
ture, content and style of civic discourse. This new form is still

ersial list-serve (noted above) served as a rallying point for reform
s well as proponents. Opponents were able to more effectively
ium and, it could be argued, chased reform proponents from that

neans of communicating with like-minded people, electronic media
wed vast effectiveness and potential. The civility of the electronic
as generally viewed by people of different persuasions as being
, and wrongly personalized. The "moderator" function of town
as absent. Mores of social behavior were not evident. Inaccurate
and rumors flourished.
d state web sites sympathetic to the libertarian and conservative
form opponents were far more numerous and sophisticated than
pponents. (For an illustration, compare the pro and anti - Act 60
Reformers were not as organized or focused in this venue.
fact and fiction was increased by electronic media. There is no
yber-space nor impartial review by referees. Vested interest
t "research" favorable to their point of view without attempts at fair
reatment.
lo-study" emerged; that is, so-called research and analyses that
pearance of research in organization, foot-notes, charts, tables,
ppendices and purported scientific methodology. This information
orted into the political fray, the statehouse, and newspaper articles
eface, "The research shows . . . " This distortion of knowledge for

ses was not the sole province of reform opponents. The abuse
tcomes and methodology in a political context was a major
n at the spring 1999 American Educational Research
eeting and must be a major concern for civil society.

ty Vignettes from Both Perspectives -

s structured the reforms so that the vast majority of citizens
ancial "winners." This was an intentional strategy to ensure
and to maintain the integrity of the reforms. As a result,
d to sell a plan that was not in the financial interests of the
as an extremely savvy move by proponents.
d to appeal to some moral foundation. Despite considerable
he national media, citizens resented the outside influences.
the privileged position of the rich was limited. Fundamentally,
ersuade the citizens.
s also had to structure an alternative plan that was acceptable,
basic equity principles, and meet court requirements. Thus,
ainst" the current plan but could not articulate what they were

ons within the opponent camp discredited their efforts. The
onents and the extremist opponents fought for political
hen the extreme gubernatorial candidate won the primary,
s politically marginalized and they lost the election. Internally
oups ended up with neither winning.

ent performance improved as a result - Before the reforms, it
ossible to determine the amount being spent on education or the
om various tax sources. Better record-keeping, and charts of
stablished. Fundamental organizational and analytic capabilities
sely. Both the joint fiscal office and the state department of
ilities became quick, facile and accurate. This capability was an
rom all perspectives.

and often forgotten in the political wars, poor schools
ability to offer a high quality educational program on the
ns as more affluent schools.

F CIVIL SOCIETY

niversary of the Brigham decision, proponents held a
allen Generals Freidin and Cillo. Perhaps reflecting
were humbled and honored to have the opportunity to be
ight time. Tax and educational reform had been on the
entury, and the latest battle was seven years long. In
slature, the executive, public will, the economy or political
eform.

er efforts, however, had the power and the prod of a
ecision. Albeit, the court case was brought by the same
different venue. People were also aware that courts
e government that appointed them. A different court at a
reached a different decision.

able legislative structure came together at the time of the
, the advocates played a role in electing favorably
articularly in the Senate. Yet, there are many factors that

recession, the pain of the inequities provided political
economy assured the revenues necessary to fund the

ns had tried and failed before. This time, all three
nt were aligned. A growing economy, at precisely the right
t a citizenry smarting from inequities together with a boom

ncial pressures for reform. Reform organizations had
ed ventures and slowly amassed public awareness
ed opponents contributed by politically marginalizing
so did not advance nor rally behind a coherent
eal circumstances for reform.

en by a fortuitous set of circumstances? Were
so all pieces would converge at the right time? Years
nt and work laid the foundations with the people, the
Technical capabilities to design and implement reform
e opportunity was presented, quick, organized and
cess.

resulted in watershed transformations of political
mont. The rules were changed. First, the notion of a
r the education of all children was firmly established. It
to hide huge and glaring inequities in the rhetoric of
e notion of a statewide property tax, debated for 67
f the political landscape. Third, the notion of a very low
ucation was eradicated. It changed the way
nd the state's responsibility for children.

ot last forever. Over the past half-century, seven
onal finance reform swept across the state. State
te life spans. Political trends are finite as well.
ly as strong as the public will to sustain them.

m stability will depend on the ability of state policy
ne the system. Initial and generally healthy steps were
and 1999 legislative sessions to fix problems and to
ch as the financial effects on small schools, the

threshold of
technical ed
State financ
reforms whe

The
the nation,
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1970s, the
was agains
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For
groups and
opposed b
fifty years
final court
accelerate
In an era t
a large an
increase,
tides. Des

x burdens, properly funded special and
ch issues will determine long-term stability.
ing the longer view as to how to sustain the
an inevitable dip.

e finance reform are reflected in Vermont. Like
e taxation are in conflict with low taxation and
1, 40 states have taken educational funding and
court. After experiencing success in the early
emedies sputtered. By the late1980s, the trend
al of cases occurred in the 1990s based on
constitutions. With plaintiffs winning 15 of 22
gham decision is a contributor to this new
itigation is based on the premise that all children
Jeffersonian and enlightenment ideals have
ebate and are now reflected in the successful
ecently, finance cases have been focused on a
d in 36 states having foundation programs.
ncern and may push historically low foundation
of a guaranteed yield formula may signal a shift
unding solutions.

ons, Act 60 is encouraging. A small number of
sful in achieving fundamental reform while
led partisans. A long slow rhythm stretching over
en years which led to an eight-month cycle of
of the reform law. The pace of reform
he reforms weathered an all-out political assault.
or trust in government, government succeeded in
y reform. While income inequality continues to
me sensitive property tax runs against these
rces, individual choice and dissolution of the

public scho
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ENDNOTE

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